

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

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In re Patent Application of:  
Michael J. Caplan et al.

Application No.: 10/728,323

Confirmation No.: 8163

Filed: December 4, 2003

Art Unit: 1644

For: MICROBIAL DELIVERY SYSTEM

Examiner: P. N. Huynh

**INFORMATION DISCLOSURE STATEMENT (IDS)**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

Pursuant to 37 CFR 1.56, 1.97 and 1.98, the attention of the Patent and Trademark Office is hereby directed to the references listed on the attached PTO/SB/08. It is respectfully requested that the information be expressly considered during the prosecution of this application, and that the references be made of record therein and appear among the "References Cited" on any patent to issue therefrom.

This Information Disclosure Statement is filed before the mailing date of a first Office Action after the filing of a Request for Continued Examination under 37 CFR 1.114 (37 CFR 1.97(b)(4)).

In accordance with 37 CFR 1.98(a)(2)(ii), Applicant has not submitted copies of U.S. patents and U.S. patent applications. Applicant submits herewith copies of foreign patents and non-patent literature in accordance with 37 CFR 1.98(a)(2).

Those documents which are marked with a double asterisk (\*\*) next to the Cite No. in the attached form PTO/SB/08 are not supplied because they were previously cited by or submitted to the Office in prior application number 09/731,375, filed December 6, 2000 and relied upon in this application for an earlier filing date under 35 U.S.C. 120.

In accordance with 37 CFR 1.97(g), the filing of this Information Disclosure Statement shall not be construed to mean that a search has been made or that no other material information as defined in 37 CFR 1.56(a) exists. In accordance with 37 CFR 1.97(h), the filing of this Information Disclosure Statement shall not be construed to be an admission that any patent, publication or other information referred to therein is "prior art" for this invention unless specifically designated as such.

It is submitted that the Information Disclosure Statement is in compliance with 37 CFR 1.98 and the Examiner is respectfully requested to consider the listed references.

The Director is hereby authorized to charge any deficiency in the fees filed, asserted to be filed or which should have been filed herewith to our Deposit Account No. 03-1721, under Docket No. 2006517-0010.

Dated: September 2, 2010

Respectfully submitted,

/Katherine Nicole Clouse/  
Katherine Nicole Clouse, Ph.D.  
Registration No.: 62,750  
CHOATE, HALL & STEWART, LLP  
Two International Place  
Boston, Massachusetts 02110  
(617) 248-5000  
Agent for Applicant